

## **REMARKS**

This paper is presented in response to the Office Action. By this paper, claims 32-37 are canceled and claims 46-53 are amended. Claims 1-31 were canceled in a previous paper. Claims 38-53 are now pending in view of the aforementioned cancellations.

Reconsideration of the application is respectfully requested in view of the aforementioned amendments and the following remarks. For the convenience and reference of the Examiner, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Inasmuch as this paper does not touch the merits of the application, but instead simply cancels various rejected claims, sets forth claim amendments that the Examiner has suggested would put the claims in allowable condition, and corrects various informalities, entry of this amendment is proper under 37 C.F.R. § 1.116.

### **I. General Considerations**

Applicant notes that the remarks and amendments set forth herein are not intended to constitute, and should not be construed as an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or, as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Rejection of Claims 32-37 and 46-52 under 35 U.S.C. § 103**

The Examiner has rejected claims 32-37 and 46-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,812,581 to Cox ("*Cox*") in view of U.S. Patent No. 5,493,577 to Choquette et al. ("*Choquette*") and further in view of U.S. Patent No. 5,633,527 to Lear ("*Lear*"). Applicant disagrees with the contentions of the Examiner, but submits that in view of claim amendments and cancellations made herein, the rejection should be withdrawn.

#### **a. Claims 32-37**

In view of the cancellation of claims 32-37 herein, Applicant respectfully submits that the rejection of those claims has been rendered moot and should accordingly be withdrawn.

#### **b. Claims 46-52**

The Examiner has acknowledged in the Office Action that rewriting claim 53 to include all the limitations of the base claim (claim 46) would place claim 53 in allowable condition. Accordingly, independent claim 46 has herein been amended to incorporate most of the limitations of claim 53, which

previously depended from claim 46. Specifically, claim 46 has been amended to incorporate all of the limitations of claim 53 *except* for "...wherein the optoelectronic device is a Vertical Cavity Surface Emitting Laser (VCSEL)."

As to the aforementioned limitation, the Examiner indicated during a telephone conversation held between Scott A. Woodbury (Reg. No. 55,743) and the Examiner on November 13, 2006, that amending claim 46 to incorporate all of the limitations of claim 53 except the specific limitation noted above, would place claim 46 in allowable condition. As such, Applicant respectfully submits that the rejection of claim 46, as well as the rejection of corresponding dependent claims 47-52, should be withdrawn.

Applicant notes, finally, that dependent claims 47-53 have been amended herein to correct an informality. Specifically, claims 47-53 now all refer to the "method" of claim 46, rather than to the "optoelectronic device" of claim 46, as previously stated.

### **III. Allowable Subject Matter**

Applicant acknowledges with thanks the indication of the Examiner that claims 38-45 are allowed, and Applicant also wishes to thank the Examiner for the careful review of those claims.

The Examiner has indicated that claim 53 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As noted above, Applicant has incorporated most of the limitations of claim 53 into independent claim 46 from which claim 53 previously depended and the Examiner has agreed that claim 46, as currently amended, is now in allowable condition. As such, Applicant submits that claims 47-53, each of which depends from claim 46, are also believed to be in condition for allowance.

### **IV. Incorrect Attorney Docket No.**

Applicant respectfully notes that the Office Action incorrectly references Attorney Docket No. "H26341-D1 US." Pursuant to the Change of Attorney Docket Number filed in this case on July 1, 2004, the correct docket number for this case is 15436.435.1.1. Applicant thus respectfully requests that all applicable USPTO records be updated accordingly, and Applicant further requests that all further communications from the USPTO reference docket number 15436.435.1.1. Please make this change in the file immediately as it has been almost two and a half years since the required documentation was filed to effect the change of attorney docket number.

### **CONCLUSION**

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 38-53 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 1st day of December, 2006.

Respectfully submitted,

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